

REMARKS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS.

Claims 1-6, 8 and 16-23 are pending in this application.

II. THE REJECTIONS UNDER 35 U.S.C. §§102 & 103

Claims 1-6, 9, and 16-23 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,368,993 to Wicker (“Wicker”). Claims 1-6, 8, and 16-23 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,857,605 to Welch (“Welch”) in view of Wicker. Claims 1-6, 8, and 16-23 are rejected over 35 U.S.C. §103(a) over U.S. Patent No. 6,470,944 to Billings (“Billings”) in view of U.S. Patent Publication No. 2002/0102894 to Hansen (“Hansen”) and U.S. Patent No. 6,428,874 to McGahern et al. (“McGahern”). Claims 1-6, 8, and 16-23 are rejected on the ground of non-statutory obviousness-type double patenting over claims 1-19 of Billings in view of McGahern and Hansen. Applicants traverse and request reconsideration and withdrawal of the rejections.

Claims 1-6, 9 and 16-23 are rejected under §102 over Wicker. Independent claim 1 recites, *inter alia*:

A liquid polymeric resin coating applied and cured on said outside surface of said base structure, wherein said

polymeric resin coating forms a distinct layer on said outside surface of said base structure; and a plurality of grooves formed in said polymeric resin coating....

For the reasons amply set out in Applicants' prior responses, Wicker fails to teach the above-recited limitation. At pages 2 and 4-5, the Office Action alleges that Wicker clearly teaches a layer of Mylar material disposed on a base structure of a woven material and secured thereto with an adhesive, citing to paragraph 3 of the previous Office Action. The Office Action now denies that it equated Wicker's adhesive (urethane resin D-407-JL) to a liquid polymeric resin. However, in paragraph 3 of the previous Office Action, the Office Action clearly stated: "a first Mylar sheet layer (outside surface of the base structure) is coated with urethane resin D-407-JL (col. 517- col. 615). It is noted that this resin is an aqueous (liquid) curable resin. Col 3 line 55 – col. 4, line 2 and col. 4, lines 11-15 and 47-52 and 70-75 in U.S. Patent 3,377,950 is relied on to show that urethane resin D-407-JL is a curable emulsion, i.e., applied as a liquid." January 7, 2008 Office Action, page 4. In view of this discrepancy, Applicants note for the record that the Office Action now concedes that Wicker's adhesive coating does not teach or suggest the claimed "liquid polymeric resin coating applied and cured on said outside surface of said base structure."

The Office Action has also conceded that the Mylar is not “applied and cured on said outside surface of said base structure.” Rather, the Office Action alleges that it is enough that Mylar is itself a curable material, even though it is adhered to the base structure with an adhesive. Indeed, at page 2, the Office Action outright states “[i]n this case, the language that ‘a liquid polymeric resin coating **applied and cured on the outside of said base structure**’ **does not require a liquid material be applied and cured on the outside of the base structure**, rather the finished structure must have a distinct layer of cured material deposited on the outside of the base therein.”

With all due respect, the Office Action is taking an unreasonable construction of the claim by contending that a recitation that a coating must be “applied and cured on the outside of the base structure” does not require that the material be “applied and cured on the outside of the base structure.” Moreover, by taking such an unreasonable construction, the Office Action has ignored the structure implied by the recitation “applied and cured on said outside surface of said base structure, wherein said polymeric resin coating forms a distinct layer on said outside surface of said base structure.” Using adhesive to secure Mylar onto a surface means that the Mylar itself is not cured on said outside surface, and therefore lacks certain advantages of the claimed structure. For example, as explained at, *inter alia*, ¶57 of the present specification:

If the belt is coated with a resin, after it is cured, the grooves 64 can be cut to either have sufficient depth to extend past the depth of the resin coating and into the base structure, 66, or can be formed to a depth less than the thickness of the resin coating to insure that the resin coating remains impermeable to water. Alternatively, the resin may be impregnated into the base structure 66 of the belt 40.

The coating as **claimed** provides these advantages, whereas simply adhering a Mylar film to a base cannot.

Finally, the Office Action again provides a number of definitions from Dictionary.com alleging that the information shows that any layer or film is the same as a coating. However, the definitions do not prove this. Rather, the definitions prove the distinction Applicants have argued. All the definitions clearly show or exemplify a layer that is applied in a substantially liquid form:

- (Coating) **1. a layer of any substance spread over a surface.**
Dictionary.com Unabridged (v1.1) Based on the Random House Unabridged Dictionary, © Random House, Inc. 2006
- (Coat) **3. A layer of material covering something else; a coating: *a second coat of paint.***
American Heritage Dictionary
- (Coating) **1. A layer of substance spread over a surface for protection or decoration; a covering layer.**
American Heritage Dictionary

- (Coating)1. a thin layer covering something; **“a second coat of paint.”**

WordNet® 3.0, © 2006 by Princeton University

Emphasis added. Thus even under the broadest reasonable construction, it cannot be said that every film is a coating. Moreover the claims clearly recite “a liquid polymeric resin coating applied and cured,” thus clearly demonstrating that even under the broadest reasonable construction, a pre-made Mylar film simply cannot be regarded as a “liquid polymeric resin coating applied and cured.”

Accordingly, for the reasons outlined above and in the prior responses, Wicker does not teach the above recited recitations and thus cannot serve as a basis for rejection under §102. Applicants thereby urge reconsideration and withdrawal of the rejections to claims 1-6, 9, and 16-23 over Wicker, as all the claims ultimately depend from independent claim 1.

Claims 1-6, 8 and 16-23 are rejected under §103 over Welch in view of Wicker. For the reasons amply outlined in Applicants' prior responses, Applicants disagree. In response to Applicants' argument, the Office Action alleges that Welch's rubber cover is a curable material, and that glue is not excluded from Applicants' claim. The Office Action also alleges that the requirement for a liquid polymeric resin can be ignored because the claim is an apparatus claim and the

claim of applying the liquid and curing it does not alter the finished product so long as the coating itself is curable.

The Office Action has ignored the duty to assess the structure implied by any process steps. See MPEP 2113. Indeed, the claim specifically requires “a liquid polymeric resin **coating**,” which for the reasons outlined above, more than just implies a structure, but actually recites it. Accordingly, and for the reasons given in prior responses, Applicants urge reconsideration and withdrawal of the rejections.

Claims 1-6, 8, and 16-23 are rejected under §103 over Billings in view of Hansen and McGahern. Claims 1-6, 8, and 16-23 are also rejected on the ground of non-statutory obviousness-type double patenting over claims 1-19 of Billings over McGahern and Hansen. For the reasons amply discussed in previous responses, Applicants disagree and request reconsideration and withdrawal of the rejections.

At page 5, the Office Action argues “the applicant is advised as previous[ly] noted that Billings suggested complete impregnation of the layers which would have resulted in the formation of an exterior ‘coating’ or layer on the base fabric material....” Applicants do not agree, and respectfully notes no concession was made in this regard. Indeed, as pointed out in the prior response, the combination of Billings – Hansen – McGahern does not teach forming a **distinct layer** on the

outer surface of the belt, as required by claim 1. Rather, the relied upon combination results in the resin completely impregnating through the thickness of the belt. Thus, the Office Action's argument proves that Billings, alone or in combination with the art of record, does not disclose or render obvious the above recited claim. Billings – Hansen – McGahern does not teach forming a distinct layer on the outer surface of the belt. Applicants therefore request reconsideration and withdrawal of the §103 and double patenting rejections as independent claim 1 is patentable over Billings, Hansen and McGahern.

IV. DEPENDENT CLAIMS

The other claims are dependent from independent claim 1, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully requests early passage to issue of the present application.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is

respectfully requested that the Examiner specifically indicate those portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
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